

2009 DRAFTING REQUEST

Bill

Received: 11/16/2009

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: **Government Accountability Board**

By/Representing: **Kevin Kennedy**

This file may be shown to any legislator: **NO**

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **kevin.kennedy@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maintenance of electronic voting records for state and local elections

Instructions:

Per LRB-2869/2.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 11/16/2009	kfollett 11/16/2009		_____			
/1			jfrantze 11/16/2009	_____	cduerst 11/16/2009	lparisi 11/17/2009	

FE Sent For:

more needed

<END>

2009 DRAFTING REQUEST

Bill

Received: **11/16/2009**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Government Accountability Board**

By/Representing: **Kevin Kennedy**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **kevin.kennedy@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maintenance of electronic voting records for state and local elections

Instructions:

Per LRB-2869/2.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 11/16/2009	kfollett 11/16/2009		_____			
/1			jfrantze 11/16/2009	_____	cduerst 11/16/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/16/2009

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Government Accountability Board 1-8683**

By/Representing: **Kevin Kennedy**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **NO**

Kevin.Kennedy@wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Maintenance of electronic voting records for state and local elections

Instructions:

Per LRB-2869/2.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
12/1	jkuesel 11/16/09	11kf 11MG	Jo	11/14			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

-3860/1
LRB-286972
JTK:kjf:md

Mar 11/16

2009 BILL

legen

- 1 AN ACT *to repeal* 7.23 (1) (b); *to amend* 7.23 (1) (f), 7.23 (1) (g), 7.23 (1) (h) and
2 7.23 (2); and *to create* 5.02 (4s) of the statutes; **relating to:** the period for
3 retention of certain election materials in state and local elections.

Analysis by the Legislative Reference Bureau

Currently, detachable recording units and compartments for use with electronic voting machines may be cleared or erased no earlier than 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk or board of election commissioners must transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed no earlier than 22 months after the election to which the data relates.

This bill permits recording units and compartments for use with tabulating equipment for an electronic voting system at any election at which no federal office appears on the ballot to be cleared or erased no earlier than 14 days after the primary and 21 days after the election but not while a recount or appeal of a recount determination or decision is pending nor during the time period following a recount or appeal of a recount determination or decision when an appeal or petition for review may be filed except by order of a court in which an appeal is pending. The bill also applies the same limitation concerning pending recounts, appeals, and appeal

BILL

periods to other materials relating to a specific election, subject to a minimum 22-month retention requirement for a federal election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 5.02 (4s) of the statutes is created to read:

2 5.02 (4s) "Federal election" means any election at which a national office
3 appears on the ballot.

✓
4 **SECTION 2.** 7.23 (1) (b) of the statutes is repealed.

✓
5 **SECTION 3.** 7.23 (1) (f) of the statutes is amended to read:

6 7.23 (1) (f) Except as authorized in ~~pars. (b) and par.~~ (g), ballots, applications
7 for absentee ballots, registration forms, or other records and papers requisite to
8 voting at any federal election, other than registration cards, may be destroyed after
9 22 months.

✓
10 **SECTION 4.** 7.23 (1) (g) of the statutes is amended to read:

11 7.23 (1) (g) Detachable recording units and compartments for use with
12 tabulating equipment for an electronic voting machines system may be cleared or
13 erased 14 days after any primary and 21 days after any other election. Before
14 clearing or erasing the units or compartments for any federal election, a municipal
15 clerk shall transfer the data contained in the units or compartments to a disk or other
16 recording medium which may be erased or destroyed 22 months after the election to
17 which the data relates.

✓
18 **SECTION 5.** 7.23 (1) (h) of the statutes is amended to read:

19 7.23 (1) (h) ~~Ballots~~ Except as provided in par. (f), ballots may be destroyed 30
20 days after any election.

✓
21 **SECTION 6.** 7.23 (2) of the statutes is amended to read:

BILL

7.23 (2) If a recount is pending or if the time allowed for filing a recount petition at an election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired. In addition, if there is a demand for a recount, notice of an election contest or any contest or litigation pending with respect to a recount at an election, materials may be destroyed and recorders, recording units or compartments may be cleared or erased only by order of the judge in whose court in which litigation is pending or if no litigation is pending, by order of any circuit judge for the affected jurisdiction. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits. The governor may by order permit the clearing of voting machine recorders on machines needed to conduct a special election prior to the time authorized under this subsection, unless there is a demand for recount, notice of an election contest or a contest or litigation pending, or a court of record orders that the recorders not be cleared.

SECTION 7. Initial applicability.

(1) This act first applies with respect to elections held after the effective date of this subsection.

(END)

Parisi, Lori

From: Kennedy, Kevin - GAB [Kevin.Kennedy@Wisconsin.gov]
Sent: Monday, November 16, 2009 1:34 PM
To: LRB.Legal
Cc: Falk, Shane - GAB
Subject: Draft Review: LRB 09-3860/1 Topic: Maintenance of electronic voting records for state and local elections

Please Jacket LRB 09-3860/1 for the SENATE.

Please call Shane Falk @ 6-2094 when it is available and we will pick it up.

Thank you.

Kevin J. Kennedy

Director and General Counsel

Wisconsin Government Accountability Board

608-266-8005

Kevin.Kennedy@wi.gov

11/16/2009